

REMARKS

The Examiner has required restriction of the following inventions:

Group I Claims 1-14 and 23;

Group II Claims 15-17;

Group III Claims 18-22, 24-32;

Group IV Claims 33-43.

Applicants have added new claim 44.

In order to comply with the Examiner's requirement, Applicants provisionally elect claims 1-14 and 23 for prosecution in the present application. Applicants reserve the right to file one or more divisional applications directed to the remaining non-elected claims at a later date, if so desired. The Examiner's restriction requirement is respectfully traversed for at least the reasons set forth below.

Applicant respectfully directs the Examiner's attention to M.P.E.P. §803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicants respectfully submit that the Examiner would not be unduly burdened if forced to examine existing claims 1-44.

Applicants have also added new claim 44. Because new claim 44 includes the elements of Group I and Group III, Applicants respectfully submit that it is inappropriate to separate it from prosecution of claims 1-14 and 23. Furthermore, because any search required for claim 44 will encompass substantially all of the subject matter required to be searched for the claims in Groups I and III, no additional searches need be completed by the Examiner should claims 1-14, 18-32 and 44 remain in a single application. Accordingly, Applicants respectfully request examination of all of the claims 1-14, 18-32 and 44.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

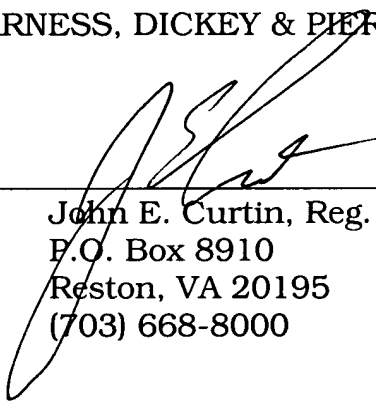
In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact John E. Curtin at 703-668-8046 to discuss this application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By



John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

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